



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,¹
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,²
USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SEVENTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Seventh Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7506] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7506] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (018024)

12 Rob Charles

13 John Hinderaker (*pro hac vice*)

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18 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
 Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
EDDIE MAYO & JOCELYNE HELZER JT TEN	115 SOUTH DEER RUN RD CARSON CITY NV 89701	10725-02233	511,906.46	255,953.23
ELAN REDDELL REVOCABLE TRUST DTD 8/4/03	ELAN REDDELL TRUSTEE 6770 HAWAII KAI DR #1006 HONOLULU HI 96825	10725-02282	659,407.30	329,703.65
ELEANOR L ROGERS 1991 REVOCABLE TRUST DTD 7/3/91	C/O ELEANOR L ROGERS TTEE 78 SEAL ROCK DR SAN FRANCISCO CA 94121	10725-02223	608,719.56	304,359.78
ELLEN V DUSTMAN & OLIVER HENRY	3159 6TH ST BOULDER CO 80304	10725-02154	303,169.26	151,584.63
ERIC C DISBROW MD INC PROFIT SHARING PLAN	ERIC C DISBROW TTEE 3840 FAIRWAY DR CAMERON PARK CA 95682	10725-02364	895,134.00	447,567.00
ERVEN J & FRANKIE J NELSON TRUST	ERVEN J & FRANKIE J NELSON TTEES 2136 RIVER OF FORTUNE DRIVE ST GEORGE UT 84790	10725-02305	900,000.00	450,000.00
ERVEN J NELSON LTD PSP DTD 10/31/72	C/O ERVEN J NELSON TRUSTEE 2136 RIVER OF FORTUNE DRIVE ST GEORGE UT 84790	10725-02304	500,000.00	250,000.00
ESSAFF FAMILY TRUST DTD 6/18/02	ROBERT & CINDY H ESSAFF TTEES 2860 HEYBOURNE RD MINDEN NV 89423	10725-02382	3,198,368.02	1,599,184.01
EUGENE H & NORMA M & STOKES TRUST DTD 5/16/84	NORMA M KERNER TTEE 15758 SUNSET DR POWAY CA 92064	10725-02287	101,493.04	50,746.52
EVERETT, JOHN P	HEART CLINICS NORTHWEST 6002 N MAYFAIR ST 2ND FL SPOKANE WA 99208	10725-02184	423,138.00	211,569.00